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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,193	09/26/2001	Brian Gitt	021237-000100US	2809
28778	7590	09/02/2005	EXAMINER	
JOHNSON & STAINBROOK, LLP 3558 ROUND BARN BLVD., SUITE 203 SANTA ROSA, CA 95403			BEISNER, WILLIAM H	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 09/02/2005



Please find below and/or attached an Office communication concerning this application or proceeding.

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SEP 06 2005

JOHNSON & STAINBROOK LLP

Response Due 10/2/05 SSP

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/965193

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 8-23-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____

☒ 4. Amendments to the claims:

- ☒ A. A complete listing of all of the claims is not present.
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
☒ E. Other: The Amendments filed in 8-23-05 are incomplete.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officelfyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
- Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Michelle Lawrence

Legal Instruments Examiner (LIE)

(571) 272-1025

Telephone No.

JOHNSON & STAINBROOK, LLP

Registered Patent Attorneys
Patents, Trademarks, Copyrights
and Related Matters

Marin County Office:
165 N. Redwood Dr.
Suite 110
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Suite 203
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FAX COVER SHEET

To: *Examiner: William H. Beisner*
UNITED STATES PATENT AND TRADEMARK OFFICE
Art Unit: 1744

From: Craig M. Stainbrook

Fax #: (703) 872-9306

Subject: Papers: RESPONSE TO OFFICE ACTION and PETITION AND FEE FOR EXTENSION OF
TIME, including Credit Card Payment Form [PTO-2038] for filing fee
Appl. Ser. No. 09/965,193
Applicant: Brian Gitt
Title: COMPOSTING APPARATUS.AND METHOD
Filing Date: 09/26/01
Atty Docket No. 00221.P2US

Date: August 23, 2005

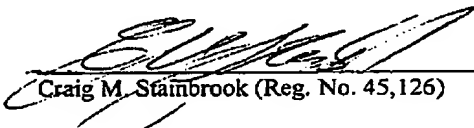
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Date: 08/23/2005 (August 23, 2005)


Craig M. Stainbrook (Reg. No. 45,126)

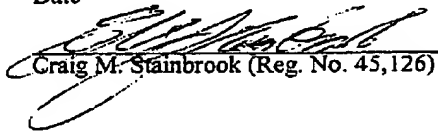
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Craig M. Stainbrook (Reg. No. 45,126)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brian Gitt)	Examiner: Beisner, William H.
Serial No.:	09/965,193)	TC/A.U. 1744
Filed:	09/26/2001)	Confirmation No: 2809
Title:	COMPOSTING APPARATUS AND METHOD)	Customer No: 28778
)	Docket No: 00221.P2US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


PETITION AND FEE FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a)(1)

Dear Sir:

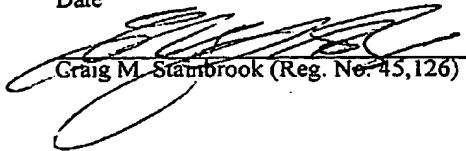
Applicant hereby requests a three-month extension of time in which to respond to the Office Action mailed 02/23/2005, hereby extending the period for response from 05/23/2005 to 08/23/2005. A Credit Card Payment Form [PTO-2038] made out to the amount of \$510.00 to cover the required fee pursuant to 37 C.F.R. 1.17(a) is attached hereto.

Respectfully Submitted,

Date: 08/23/2005


Craig M. Stainbrook
Registration No. 45,126
JOHNSON & STAINBROOK, LLP
3558 Round Barn Blvd., Suite 203
Santa Rosa, CA 95403
Telephone (707) 578-9333
Attorneys for Applicant

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Applicant:	Brian Gitt)	Examiner: Beisner, William H.
Serial No.:	09/965,193)	TC/A.U. 1744
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Title:	COMPOSTING APPARATUS AND METHOD)	Customer No: 28778
)	Docket No: 00221.P2US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY TO OFFICE ACTION

Dear Sir:

The instant paper is filed in response to the Office Action mailed 02/23/2005.

I. INTRODUCTORY COMMENTS

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.

Examiner's Indications

The Examiner has indicated that claims 1-10, 14-16, 19 and 20 are pending in the application; that claims 1-5, 7-10, and 14-16 are rejected under 35 U.S.C. 103(a) as being

Appl. Ser. No: 09/965,193
Amdt Dated: 08/23/2005
Reply to Office Action Dated: 02/23/2005

Page 2 of 5

unpatentable over Price et al. (EP 0 196 887) in view of Ostanin et al (RU 2054402); that claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al.; and that claim 6 is objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant, by this Amendment, cancels claims 1-6, 7-10, 14-16, 19 and 20, and amends claim 6 in accordance with the Examiner's indications to obtain allowability. Further, applicant submits new claims 31- 33, all depending from amended claim 6. Finally, applicant submits new claim 34, which recites all of the structure of amended claim 6, and adds the further limitation that a plurality of such apparatus are in a stacked relationship. No new matter is added in any of the newly submitted claims.

Appl. Ser. No: 09/965,193
Amdt Dated: 08/23/2005
Reply to Office Action Dated: 02/23/2005

Page 3 of 5

II. AMENDMENTS TO THE CLAIMS

Listing of Claims with Status Identified

This listing of claims will replace all prior versions, and listing, of claims in the application:

1- 5 (cancelled)

6. (currently amended) ~~The composting apparatus of claim 1~~ A composting apparatus comprising:

a housing;

a plurality of composting drawers in the housing, wherein said plurality of composting drawers are in a stacked relationship when in said housing, and wherein each of said drawers includes a bottom region having a plurality of apertures, wherein each of said [[the]] plurality of drawers includes a spacer element that spaces a rear wall of the drawer from a portion of [[the]] said housing and also extends in a downward direction so that when the drawer is pulled out, [[the]] said spacer element pulls a receiving structure underneath the drawer; and

a plurality of receiving structures in said housing, said receiving structures being respectively disposed under said plurality of composting drawers to receive composted material from aid plurality of composting drawers.

7-10 (cancelled)

11-13 (previously cancelled)

14-16 (cancelled)

17-18 (previously cancelled)

19-20 (cancelled)

21-30 (previously cancelled)

*Appl. Ser. No: 09/965,193
Amdt Dated: 08/23/2005
Reply to Office Action Dated: 02/23/2005*

Page 4 of 5

31. (new) The composting apparatus of claim 6 further comprising a plurality of breaker devices, each of said breaker devices being adapted to agitate composted material at the bottom region of a composting drawer within the plurality of drawers.

32. (new) The composting apparatus of claim 6, wherein said plurality of drawers includes a first set of drawers and a second set of drawers, wherein said first set of drawers and said second set of drawers open in opposite directions

33. (new) The composting apparatus of claim 6, further comprising a plurality of air vents in said housing, and a climate control system adapted to control the climate within said housing.

34. (new) A composting system, comprising:
at least two housings in a vertically stacked configuration;
a plurality of composting drawers disposed in each of said housings, wherein said plurality of composting drawers are in a stacked relationship when in one of said housings, and wherein each drawer includes a bottom region having a plurality of apertures, wherein each of said plurality of composting drawers includes a spacer element that spaces a rear wall of said drawer from a portion of its respective housing and also extends in a downward direction such that when any of said drawers is pulled out, said spacer element pulls a receiving structure underneath said drawer; and
a plurality of receiving structures in each of said housings, said receiving structures being respectively disposed under said plurality of composting drawers to receive composted material from said plurality of composting drawers.

Appl. Ser. No: 09/965,193
Amdt Dated: 08/23/2005
Reply to Office Action Dated: 02/23/2005

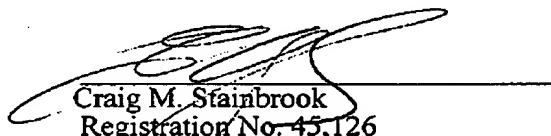
Page 5 of 5

CONCLUSION

In view of the foregoing amendments to the claims, it is believed that claim 6 and new claims 31-33 depending therefrom, and new claim 34 are all in condition for immediate allowance, and such allowance is therefore respectfully requested.

Respectfully Submitted,

Date: 08/23/2005



Craig M. Stainbrook
Registration No. 45,126
JOHNSON & STAINBROOK, LLP
3558 Round Barn Blvd., Suite 203
Santa Rosa, CA 95403
Telephone (707) 578-9333
Attorneys for Applicant

JOHNSON & STAINBROOK, LLP

Registered Patent Attorneys
Patents, Trademarks, Copyrights
and Related Matters

Marin County Office:
165 N. Redwood Dr.
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San Rafael, CA 94903
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To: *Examiner: William H. Beisner*
UNITED STATES PATENT AND TRADEMARK OFFICE
Art Unit: 1744

From: Craig M. Stainbrook

Fax #: (703) 872-9306

Subject: Papers: Final two (2) pages, fax logs, and Auto-Replie for previously submitted facsimile transmission, which included RESPONSE TO OFFICE ACTION and PETITION AND FEE FOR EXTENSION OF TIME, including Credit Card Payment Form [PTO-2038] for filing fee
Appl. Ser. No. 09/965,193
Applicant: Brian Gitt
Title: COMPOSTING APPARATUS.AND METHOD
Filing Date: 09/26/01
Atty Docket No. 00221.P2US

Date: August 23, 2005

Pages: 7, including cover page

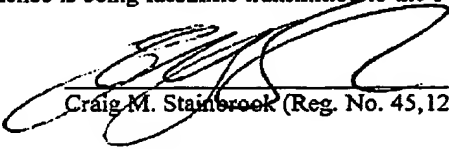
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Comment The above-described Response and related papers were twice submitted and Auto-Reply Transmissions were returned each time. However, our fax log indicated that the document had jammed at five and six pages respectively. Because it processed on our end, it must be assumed that the jam is occurring on the PTO side. Accordingly, the first six pages of the Response should have been received, and the remaining two pages (pages 5 and 6 of the Response) are transmitted herein. *Please do not process second submitted Credit Card Payment Form.*

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Craig M. Stainbrook (Reg. No. 45,126)

Auto-Reply Facsimile Transmission



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Aug 23 05 05:23p Johnson&Stainbrook, LLP (707)578-3133 p.1

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Marina County Office:
165 N. Redwood Dr.
Suite 110
San Rafael, CA 94903
Tel: (415) 499-8322
Fax: (415) 472-4347

Sonoma County Office:
3555 Round Barn Blvd.
Suite 203
Santa Rosa, CA 95403
Tel: (707) 578-9333
Fax: (707) 578-3133

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To: *Commissioner: William H. Reiser*
UNITED STATES PATENT AND TRADEMARK OFFICE
Attn: Unit 1744
From: Craig M. Stainbrook
Fax to: (707) 872-9306
Subject: Papers: RESPONSE TO OFFICE ACTION and PETITION AND FEE FOR EXTENSION OF
TIME, including Credit Card Payment Form [PTO-2038] for filing fee
Appl. Ser. No. 09/963,193
Applicant: Brian Gil
Title: COMPOSTING APPARATUS AND METHOD
Filing Date: 09/26/01
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Date: 8/23/2005 (August 23, 2005)

Craig M. Stainbrook
Craig M. Stainbrook (Reg. No. 45,126)

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